

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No.1538 of 1986

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For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?  
1 to 5 : No

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GUJ STATE ROAD TRANSPORT CORPN

Versus

RAZAK AHMED A SAIYED

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Appearance:

MR SN SHELAT for Petitioner

MR HK RATHOD for Respondent No. 1

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CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 23/12/97

ORAL JUDGEMENT :

The petitioner, Gujarat State Road Transport Corporation ("GSRTC" for brevity) is aggrieved by the judgement and award of the Labour Court, Navsari, directing reinstatement of the respondent, watchman (without back wages). The workman has been reinstated in pursuance of the award dated 24th July 1985.

2. The respondent, workman was proceeded against in the departmental inquiry on the allegations that the

workman, under influence of intoxicants, had entered into the office, misbehaved with typist-clerk in a rude manner, uttered hot words and assaulted him by catching his collar and threatened him. The workman had pleaded guilty and prayed for mercy and the disciplinary authority passed an order of dismissal from service on 6.4.1983. The Labour Court considering the circumstances and the workman's confession and plea of mercy and also his readiness to forego the back wages for more than two years, granted reinstatement.

3. The workman has been reinstated. On the facts and in the circumstances of the case, denial of back wages can be said to be a reasonable punishment. Hence no interference is called for after lapse of 10 years. Dismissed. Rule is discharged. No order as to costs.

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